



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/090,035
Filing Date: June 10, 1998
Appellant(s): HAUPT ET AL.

James D. Leimbach
Reg. No. 34,374
For Appellant

**SUPPLEMENTAL
EXAMINER'S ANSWER**

This is in response to the amended appeal brief filed 4/18/2008 in response to the "Order Remanding to the Examiner" (Appeal No. 2006-3361) mailed on 9/7/2007 which required:

(1) Appellants must within one (1) month provide the Examiner with the description of the corresponding structure, acts, or material as described in the Specification for the "transport means" pursuant to 35 U.S.C. § 112, sixth paragraph and any corresponding embellishing discussion deemed appropriate thereto;

(2) the application is returned to the Examiner to await Appellants' description of the corresponding structure, acts or material as described in the Specification for the "transport means" pursuant to 35 U.S.C. § 112, sixth paragraph;

(3) the Examiner is to review Appellants' correlation and to provide a Supplemental Examiner's Answer as deemed appropriate and necessary; and

(4) for such further action as may be appropriate.

The Examiner has reviewed Appellants' proffered correlation of the claimed "transport means" to the corresponding structure, acts or materials as described in the specification, as well as Appellants' expanded discussion of the claim 1 in the amended brief (Br. 13-19).

In light of Appellants' description of the claimed "transport means", the rejection set forth in the Examiner's Answer mailed 10/18/2005 and the accompanying arguments (Answer of 10/18/2005, 9-12) have been additionally reviewed. The Examiner believes

Art Unit: 2151

that the rejection set forth in the Answer mailed 10/18/2005 remains applicable and the honorable Board should refer to that paper for the position of the Examiner.

Respectfully submitted,

/Aaron Strange/

Examiner, Art Unit 2153

Conferees:

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151